



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,031	03/08/2001	Toshihisa Satake	01 -202	2801

7590 02/08/2007
Gregory P. LaPointe
BACHMAN & LaPOINTE, P.C.
Suite 1201
900 Chapel Street
New Haven, CT 06510-2802

EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

SP

Office Action Summary	Application No.	Applicant(s)	
	09/802,031	SATAKE, TOSHIHISA	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005 and 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3714

DETAILED ACTION

The Information Disclosure Statement and the Appeal Brief filed February 22, 2005, and June 13, 2005, respectively, have been received. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on February 22, 2005 prompted the new ground(s) of rejection presented in this Office action. Currently, claims 1-7 are pending in the application.

Acknowledgment has been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (4,952,922) in view of Kadota (5,384,580).

Referring to claims 1, 6, and 7, Griffin et al. teaches a game method, apparatus, or storage medium having readable program code means therein for determining specified object position, comprising: generating map data (or means thereto) to display a map image on a display unit (55) of the game apparatus, the map image two-dimensionally expressing a corresponding three-dimensional map which includes information representing a predetermined three-dimensional field, wherein the three dimensional map is divided into a plurality of small regions and displayed on the display

Art. Unit: 3714

unit (55) (Figs. 3b, 4 and 6); virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a peripheral edge of the three-dimensional map (Fig. 3a); projecting the predetermined viewpoint onto the three-dimensional map (Figures 3a, 3b, and 4; 5:33-47, 6:1-17 and 6:38-54); and detecting a point on the three-dimensional map where the projected viewpoint intersects the predetermined three-dimensional field (Figure 3a); advancing the game by an operator a position of at least one combat element (aircraft or tank or helicopter, 10:35-41) in at least one of the small regions, wherein the game progresses by moving and specifying the position of the combat element. Note that, the fly simulation of Griffin et al. is considered as a game. **Griffin et al. does not explicitly teach** the limitations of generating cursor data to display a cursor on the displayed map image; controlling a position of the displayed cursor in accordance with an instruction from an operator; and determining the detected point as a position where the cursor specifies on the displayed map image; and progressing the game using the cursor. **Kadota, however, teaches** an image processing method and system for video game comprising generating cursor data to display a cursor (4) on the displayed map image (Figs. 3, 5, 6); controlling a position of the displayed cursor in accordance with an instruction from an operator (using pointing device 35)(4:19-45); and determining the detected point as a position where the cursor specifies on the displayed map image (5:1-6:40) (Figs.4 and 5); and progressing the operation using the cursor to specify the

Art Unit: 3714

position of objects (6:59-8:36). **It would have been obvious** to a person of ordinary skill in the art at the time of the invention was made to provide the cursor of Kadota to the simulation system and method of Griffin et al. to enhance user interface that make it easier for players or operators to control objects in 3-D space thus attract more players to the game.

Referring to claim 2, Griffin et al. teaches generating map data to display a position on the map image, which corresponds to the determined position, on the display to be distinguishable from other positions (Fig. 1).

Referring to claim 3, Griffin et al. teaches the predetermined three-dimensional field includes a plurality of areas, and the detecting step includes detecting which of the plurality of areas includes the detected point (Figures 3a and 4);

Referring to claim 4, Griffin et al. teaches the map data generating step includes generating map data to display an area on the map image, which corresponds to the detected area, on the display to be distinguishable from other areas (123a-123c)(Figure 3b);

Referring to claim 5, Griffin et al. teaches the predetermined three-dimensional field represents a ground surface (Figures 3a and 4; 7:27-44).

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on February 22, 2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS**

Art Unit: 3714

MADE FINAL. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN

Handwritten signature of Robert Olszewski, dated 2/5/07.

ROBERT OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700